

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	NO: WA:23-CR-00041(8)-ADA
	§	
(8) DESTINY NICOLE MENDIETA	§	

ORDER ACCEPTING REPORT AND RECOMMENDATION .
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On December 10, 2024 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (8) DESTINY NICOLE MENDIETA, which alleged that Mendieta violated a condition of her supervised release and recommended that Mendieta 's supervised release be revoked (Clerk's Document No. 373). A warrant issued and Mendieta was arrested. On December 18, 2024, Mendieta appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set..

Mendieta appeared before the magistrate judge on December 31, 2024, waived her right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on December 31, 2024, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on

the original offense and the intervening conduct of Mendieta, the magistrate judge recommends that this court continue Mendieta supervised release. The magistrate judge recommends the additional following special conditions: Defendant shall complete a substance abuse treatment program at a Cenikor Treatment Facility or similar in-patient treatment facility, and once that is completed, defendant shall reside at a halfway house. (Clerk's Document No. 386).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On December 31, 2024, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 382). The court, having reviewed the entire record and finding no plain error, accepts

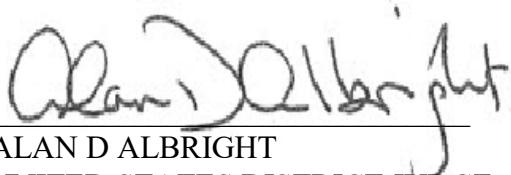
and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 386) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (8) DESTINY NICOLE MENDIETA's term of supervised release is hereby CONTINUED. In addition, defendant Mendieta shall comply with the following special conditions: The defendant shall complete a substance abuse treatment program at a Cenikor Treatment Facility or similar in-patient treatment facility, and once that is completed, the defendant shall reside at a halfway house.

IT IS FURTHER ORDERED that all prior conditions of supervised release are reimposed.

Signed this 3rd day of January, 2025.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE